UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COACH, INC., et al., :

Plaintiffs, :

-against- :

DARCY KAY WALLER, et al., :

Defendants. :

- x

10 Civ. 9237 (LTS) (AJP)

PERMANENT INJUNCTION AND ORDER OF DISMISSAL

ANDREW J. PECK, United States Magistrate Judge:

Pursuant to the terms of the parties' settlement agreement, set forth on the transcript of the January 11, 2011 conference, and pursuant to the parties' agreement pursuant to 28 U.S.C. § 636(c), IT IS HEREBY ORDERED that:

Defendant Darcy Kay Waller, her agents, employees and all persons in active concert and participation with her, are permanently enjoined from:

(a) using any reproduction, counterfeit, copy, or colorable imitation of Coach's Registered Trademarks[1/] to identify any goods or the rendering of any services not authorized by Coach;

(b) engaging in any course of conduct likely to cause confusion, deception or mistake, or injure Coach's business reputation or weaken the distinctive quality of Coach's Registered Trademarks, Coach's name, reputation or goodwill;

[1/] Coach's Registered Trademarks are those trademarks identified in paragraph 16 of the Complaint and set forth in Exhibit A hereto.

(c) using a false description or representation including words or other symbols tending to falsely describe or represent their unauthorized goods as being those of Coach or sponsored by or associated with Coach and from offering such goods in commerce;

(d) further infringing Coach's Registered Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by Coach bearing any simulation, reproduction, counterfeit, copy or colorable imitation of the Coach Registered Trademarks;

(e) using any simulation, reproduction, counterfeit, copy or colorable imitation of Coach's Registered Trademarks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Coach, or to any goods sold, manufactured, sponsored or approved by, or connected with Coach;

(f) making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any services provided, products manufactured, distributed, sold or offered for sale, or rented by Defendants are in any way associated or connected with Coach, or is provided, sold, manufactured, licensed, sponsored, approved or authorized by Coach;

(g) engaging in any conduct constituting an infringement of any of Coach's Registered Trademarks, of Coach's rights in, or to use or to exploit, said trademark, or constituting any weakening of Coach's name, reputation and goodwill;

(h) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of all unauthorized products which infringe Coach's Registered Trademarks; and

(i) effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (h).

Except as set forth above, this action is dismissed with prejudice and without costs, provided however that the Court retains jurisdiction for eight months to enforce the settlement if defendant Waller does not make her payments pursuant to the Settlement Agreement. Any pending motions are to be terminated as moot.

SO ORDERED.

Dated: New York, New York
January 11, 2011

Andrew J. Peck
United States Magistrate Judge

Copies to: Walter-Michael Lee, Esq. (Fax & ECF)
Darcy Kay Waller (Regular & Certified Mail)
Judge Laura Taylor Swain

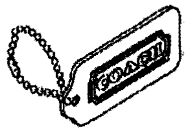
EXHIBIT A

14. Coach is a preeminent designer which is known not only in the United States but throughout the entire world with global sales in the multi-millions.

15. Coach Services, Inc. is the owner of all of plaintiffs' United States federal trademark registrations.

16. Coach Services, Inc. has adopted and is the owner of the following trademarks which are protected by the following United States Federal Trademark Registrations:

Trademark	Reg. No.	Date	Description of Goods
COACH COACH	0,751,493	6/23/1963	Leather Goods-Namely, Utility Kits, Portfolios, Key Cases, Comb Cases, Pass Cases, Money Clips, Billfolds, Wallets, Pocket Secretaries, Stud Cases, Jewel Cases, and Leather Book Covers.
COACH	1,071,000	8/09/1977	Women's Handbags and carry-on luggage; Men's and women's belts.
COACH	1,070,999	8/09/1977	Women's handbags, portfolios, toiletry travel kits and carry-on luggage pieces.
COACH LEATHERWARE	1,242,098	6/14/1983	Women's Handbags, Portfolios, Carry On Luggage, Clutches, Totes, Travel Kits, Cosmetic Cases, and Briefcases; Men's and Women's Belts.
COACH COACH	1,309,779	12/18/1984	Eyeglass Cases; Checkbook Cases and Pocket Secretaries; Leather Goods-Namely, Wallets, Purses, Key Cases, Cosmetic Cases (Sold Empty), Business Card Cases, Credit Card Cases, Passport Holders, Clutches, Tote Bags, and Shoulder Bags.
COACH COACH	1,846,801	7/26/1994	Men's and women's coats and jackets.
COACH	2,035,056	2/4/1997	Leather cleaning and moisturizing preparations; shoe brushes, cleaning cloths for wiping or dusting leather products
COACH	2,045,676	3/18/1997	Key fobs of metal and money clips; cellular phone cases, computer cases and computer accessory cases; Desk pads,[desk file trays, memo boxes, pencil cups], business card holders, paperweights, planning diaries, daily business planners, checkbook covers, passport covers; attaché cases, briefcases, briefcase-type portfolios, satchels, duffel bags, men's clutches, coin cases, waist pouches, [water bottle carriers,] passport covers, and identification tags for luggage, luggage, garment bags, backpacks; Picture frames, jewelry cases not of precious metal; Hats, caps and gloves.

COACH COACH	2,074,972	7/1/1997	Leather cleaning and moisturizing preparations; brushes and cleaning cloths for wiping or dusting of leather products.
	2,088,707	8/19/1997	Cellular phone cases, computer cases and computer accessory cases; attaché cases, briefcases, briefcase-type portfolios, handbags, satchels, tote bags, duffel bags, luggage, garment bags for travel, back packs, tie cases, men's clutches, cosmetic bags sold empty, toiletry cases sold empty, water bottle carriers and waist pouches; men's and women's belts.
COACH COACH	2,088,706	9/19/1997	key fobs of metal, metal money clips; eyeglass cases, cellular phone cases, computer cases and computer accessory cases; desk pads, desk file trays, memo boxes, pencil cups, business card holders, paperweights, planning diaries, daily business planners, checkbook covers; attaché cases, briefcases, satchels, tote bags, duffle bags, key cases and leather key fobs, men's clutches, coin cases, credit card cases, waist pouches, water bottle carriers, passport covers, cosmetic cases sold empty, toiletry cases sold empty, and identification tags for luggage, luggage, garment bags, back packs; picture frames, jewelry cases not of precious metal, non-metal money clips; hats, caps and gloves.
	2,162,303	6/2/1998	Belts.
COACH	2,169,808	6/30/1998	Clothing for men, women and children, namely, coats, jackets, vests, shirts, overcoats, raincoats, socks, scarves, ties, suspenders, shoes, slippers, and belts.
COACH COACH	2,231,001	3/9/1999	Clothing for men, women and children, namely, coats, jackets, vests, shirts, overcoats, raincoats, socks, scarves, ties, suspenders, shoes, slippers, and belts.
COACH COACH	2,291,341	11/9/1999	Clocks and watches.
COACH	2,291,368	11/9/1999	Clocks, watches and component parts thereof.
COACH	2,446,607	4/24/2001	Writing instruments, namely, pens and pencils.
COACH COACH	2,451,168	5/15/2001	Eyeglasses.
COACH COACH	2,534,429	1/29/2002	Eyeglasses, eyeglass frames, sunglasses.

CC CC CC CC	2,592,963	7/9/2002	Clothing, namely, Scarves, Ties, Gloves, Belts, Caps, Hats, Shoes, [Slippers,] Coats, Jackets [and Suspenders].
CC CC CC CC	2,626,565	9/24/2002	Handbags, Purses, Clutches, Shoulder Bags, Portfolios, Tote bags, Waist pouches, Backpacks, Cosmetic cases sold empty, Toiletry cases sold empty, Briefcases, Luggage, Garment bags, Billfolds, Wallets, Key cases, Business card cases, credit card cases, Passport holders, Identification cases, tie cases and Coin pouches.
COACH	2,666,744	12/24/2002	Bed sheets, pillowcases, towels, comforters, duvet covers, bedspreads, dust ruffles, pillow shams, curtains, draperies, tablecloths not of paper, cloth napkins and bed blankets.
CC	2,822,318	3/16/2004	Fabric for use in the manufacture of clothing, shoes, handbags and luggage.
CC	2,822,629	3/16/2004	Retail store services featuring handbags, luggage, home furnishings, stationary, jewelry, watches, small leather goods, clothing, accessories, shoes, eyewear, toys, desk accessories and pet products.
CC	2,832,589	4/13/2004	Candles; metal key fobs; sunglasses and eyeglass cases; watches and watch straps; jewelry, namely, necklaces, bracelets, earrings, rings; diaries and planning diaries made of leather; leather key fobs, umbrellas, dog and cat collars and leashes; clothing, namely, skirts and pants, and dogs coats.
	2,832,740	4/13/2004	Stuffed toy animals.
COACH	2,836,172	4/27/2004	Sporting Goods, namely, Golf Bags, Golf Balls, Footballs, Baseballs, Golf Tees and Ball Pouches, Golf Gloves and Glove Club Covers; Stuffed Toy Animals.
COACH	2,939,127	4/12/2005	Cameras and Camera Cases.
COACH	2,983,654	8/9/2005	Handbags and linings sold as an integral component thereof, beach tote bags, umbrellas; Beach towels, fabrics for use in making clothing, shoes and handbags; Swimwear, scarves, hats, and shoes.

C	3,012,585	11/8/2005	Handbags, Purses, Clutches, Shoulder Bags, Tote Bags, Waist Pouches, Cosmetic Cases Sold Empty, Toiletry Cases Sold Empty, Billfolds, Wallets, Key Cases, Business Card cases, Credit card Cases, Passport Holders, Identification Cases, Key Fobs, Coin Pouches and Umbrellas; Fabrics for use in the manufacture of clothing, shoes and handbags; Clothing, namely, Scarves, Hats, Caps and Shoes.
	3,072,459	3/28/2006	Leather goods, namely, key fobs, wallets, key cases, bags, travel kits, tote bags, valet trays, briefcases, messenger bags and duffel bags.
C	3,149,330	9/26/2006	Watches.
COACH COACH	3,157,972	10/17/2006	Retail store services, on-line retail store services and catalog mail order services featuring handbags, luggage, stationary, jewelry, watches, small leather goods, clothing, accessories, shoes, eyewear, toys, desk accessories and pet products.
	3,187,894	12/19/2006	Purses, toiletry cases sold empty and handbags; leather goods, namely, luggage, billfolds, brief case type portfolios, attaché cases, wallets, pocket wallets, clutch purses, key cases; clothing, namely, coats, jackets, hats, and gloves, all of which are made of leather and/or fur.
COACH EST. 1941	3,251,315	6/12/2007	Handbags; Small leather goods, namely, Key cases, Credit card cases, Billfolds and wallets, Coin cases; Jackets, Coats and Shoes.
COACH	3,338,048	11/20/2007	Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets.
COACH COACH	3,354,448	12/11/2007	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry.
COACH COACH	3,363,873	1/1/2008	Fragrances for personal use; Lipsticks.
	3,396,554	3/11/2008	Fragrances for personal use; Lipsticks.

CC			
COACH EST. 1941	3,413,536	4/15/2008	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets; Belts; Caps; Coats; Gloves; Hats; Jackets; Overcoats; Raincoats; Scarves; Shoes; Slippers; Ties.
COACH COACH	3,439,871	6/3/2008	Umbrellas.
COACH LEATHERWARE EST. 1941	3,441,671	6/3/2008	Eyeglasses; sunglasses; Jewelry; watches; Credit card cases; garment bags for travel; handbags; leather cases; leather key cases; purses; traveling bags; umbrellas; wallets; Coats; footwear; hats; jackets; shoes.
COACH COACH	3,633,302	6/2/2009	Body sprays; Cologne; Cosmetics; Hand lotions; Perfumes; Skin lotions; Skin moisturizer; Skin soap; Toilet soaps.
COACH	3,685,590	9/22/09	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Watches.
COACH	3,691,827	10/6/09	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Watches.
CC	3,696,470	10/13/09	Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets; Business card cases; Credit card cases; Coin purses; Umbrellas. Fabrics for the manufacture of clothing, shoes and handbags. Belts made of leather; Headgear, namely, caps and hats; Coats; Gloves; Jackets; Overcoats; Raincoats; Scarves; Shoes; Slippers; Ties

Correct and true printouts of these federal trademark registrations (collectively referred to as the "Coach Registered Trademarks") from the United States Patent and Trademark Office's trademark database are attached hereto as **Exhibit 1** and incorporated herein by reference.

17. All of the Coach Registered Trademarks are valid, subsisting and in full force and effect, and constitute prima facie evidence of the validity of the marks.